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PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/603,303

Filed: June 23, 2000

Confirmation No.: 1772

Inventor(s):

Scott Lorenz

Title: INTERNET-ENABLED  
SYSTEM AND METHOD  
FOR ASSESSING  
DAMAGES

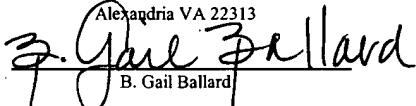
§ Examiner: Bleck, Carolyn P.  
§ Art Unit: 3626  
§ Atty. Dkt. No: 5053-36000

CERTIFICATE OF MAILING  
UNDER 37 C.F.R. §1.8

DATE OF DEPOSIT: July 18, 2006

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## REPLY BRIEF

### Mail Stop Appeal Brief - Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

This Reply Brief is in response to the Examiner's Answer dated October 18, 2005.

Appellants respectfully request that this Reply Brief be entered pursuant to 37 C.F.R. § 41.41 and  
considered by the Board of Patent Appeals and Interferences.

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**REPLY TO EXAMINER'S ANSWER**

Claims 1-2, 5-11, 13-18, and 20-22 are finally rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,950,169 to Borghesi et al. (hereinafter “Borghesi”) in view of U.S. Patent No. 6,505,176 to DeFrancesco, Jr. et al. (hereinafter as “DeFrancesco”).

The arguments presented in the Examiner’s Answer are addressed below.

Claim 1 describes a combination of features including, but not limited to the feature of:

an insurance claim processing server comprising a first CPU and a first memory coupled to the first CPU, wherein the first memory stores a first set of program instructions which are executable by the first CPU to: estimate a value of an insurance claim as a function of insurance claim assessment data, wherein the first set of program instructions further comprise a sequence of insurance claim processing steps executable to complete an insurance claim transaction

In the Examiner’s Answer, the Examiner contends that Borghesi teaches at least this feature. Specifically, the Examiner states:

Borghesi teaches a step of building an insurance datafile comprising transmitting a predetermined amount of data related to calculating a vehicle loss valuation to the server, receiving the total loss valuation at the remote computer, and appending the total loss valuation to the datafile (col. 21, lines 29-35). The Examiner respectfully submits that the remote computer transmits data related to calculating a vehicle total loss valuation to the server, and the remote computer then receives a total loss valuation. In order to receive the total loss valuation at the remote computer, it would appear that the server would have to perform a calculation of the total loss valuation prior to sending the data to the remote computer. ... Thus, the Examiner respectfully submits that Borghesi teaches the feature of an insurance claim processing server to estimate a value of an insurance claim as a function of insurance claim assessment data.

(Examiner Answer, page 11-12)

Claim 5 of Borghesi states “transmitting a predetermined amount of data related to calculating a vehicle total loss valuation to the server, receiving the total loss valuation at the remote computer, and appending the total loss valuation to the datafile.” (Borghesi, col. 21, lines 30-35). The Examiner apparently interprets this language as suggesting that the communication server estimates the value of an insurance claim. The language of claim 5 does not state that the communication server estimates the value of an insurance claim. Even the Examiner appears to agree that Borghesi does not explicitly teach this feature. Instead, the Examiner simply states that “it would appear that the server would have to perform a calculation of the total loss valuation” without specific citation that would support this position.

Appellant respectfully submits that, contrary to the Examiner’s allegations, Borghesi appears to teach that calculations may be performed on individual workstations, not on the server.

Specifically, Borghesi teaches a system of workstations that are coupled together through a communications server. For example, Borghesi states:

The system 28 preferably comprises computer terminals or networks at an insurance company home office 30, a local claims office 32 and an auditor 34. Each of these computers is in communication with a communication server 36 over a communication line 37 such as telephone lines or wireless communications facilities. The communication server 36 may be a specialized server dedicated to insurance claim management, such as the EZNET server provided by CCC Information Services, Inc., or a general wide area network provider such as America On Line (AOL). The server 36 preferably has a plurality of flexible memory locations, or mailboxes, for storing insurance datafiles and communications. Computers located at an appraiser 38, direct repair program (DRP) facility 40, or independent appraiser 42 are also in communication with the server 36 over a communication line. The computer of the home office 30 preferably holds the mastercopy of each insurance datafile unless the assigned appraiser 38, DRP shop 40 or independent appraiser 42 is working on the specific

insurance claim assignment associated with a datafile.  
(Borghesi, col. 5, line 55 to col. 6, line 5)

The Examiner has apparently equated the communication server with Appellant's insurance claim processing server. Appellant submits, however, that Borghesi does not appear to teach using "a communication server" to "estimate a value of an insurance claim." Instead, Borghesi appears to teach that estimation of the insurance claim is performed at the workstations coupled to the communications server. In fact, it appears that little, if any information is stored on the communications server. For example, Borghesi teaches that "the computer of the home office 30 preferably holds the mastercopy of each insurance datafile unless the assigned appraiser 38, DRP shop 40 or independent appraiser 42 is working on the specific insurance claim assignment associated with a datafile." Thus, even the "workfile" of Borghesi is stored in a computer that is coupled to the communication server, not in the communication server itself.

Borghesi further states:

Each computer in the system 28 preferably has a processor, a display monitor, and memory. The processor, display monitor and memory may be embodied as an IBM-compatible personal computer. The memory may be embodied as a mass storage device. The processor is coupled to the mass storage device and display monitor. The mass storage device may be a hard disk, compact disk, optical disk or other computer storage device. The mass storage device may also be used for archiving data.

The main memory includes a video memory which stores display format information which is displayed on the display monitor. The information stored in the video memory is used to refresh the display on the display monitor. The information may be text, graphics, or a combination thereof. The mass storage device stores a data base of text and graphics images that may be in compressed digital form. The digital data stored in the memory includes a database containing information on a plurality of automobiles including illustrations and replacement costs. The replacement cost, as the term is used here, refers to costs typically encountered for repairing or replacing parts and/or groups of parts of the damaged objects. These costs may include amounts needed for parts, labor, painting,

edging, underside, refinishing, etc. The data base may include, for example, the replacement parts, times, procedures and footnotes for automobiles. Both the text and graphics may be stored in compressed form. The compressed graphics may use PCX, TIFF or other graphics image formats.

(Borghesi, col. 6, lines 6-32)

Thus, Borghesi explicitly teaches that databases containing information relating to costs of parts and other information needed to process insurance claims is stored on each computer in the computer system, not on the communication server. It would appear, therefore, that the performance of calculations would be performed on the computer systems (which have the databases needed to perform such calculations) and not on the communication server.

Moreover, additional descriptions and drawings in Borghesi do not appear to teach or suggest a communication server performing such a function. Instead, the detailed description appears to teach or suggest that the total loss valuation is received from a home office computer (Borghesi, col. 10, lines 6-11; col. 11, lines 33-35) or from a third party provider (Borghesi, col. 13, lines 45-57; col. 10, lines 26-28) and the received information is added to the datafile.

In addition, claim 1 of Borghesi, from which claim 5 depends, describes a method comprising “building sections of the datafile at the remote computer using information accessed from an external source to the remote computer” (Borghesi, col. 21, lines 9-12) (emphasis added) and claim 5 describes “receiving the total loss valuation at the remote computer, and appending the total loss valuation to the datafile.” (Borghesi, col. 21, lines 30-35) (emphasis added). Clearly processing of the insurance claim is performed at the remote computer, not at the “communications server.”

Appellant’s claimed system differs from the system of Borghesi in that the processing of the insurance claims is performed by the insurance claim processing server not by remote

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computers that access this server. An advantage of such a system is that updates may only need to be performed to the insurance claims processing server to revise the software. Thus, an update of the software may be accomplished without having to update each of the remote computers coupled to the insurance claim processing server. In contrast, Borghesi appears to teach a graphical interface on each of the remote computers. A change in the software of Borghesi would appear to require a change of the graphical interface on each of the remote computers. Appellant submits that there does not appear to be any teaching that the graphical interface software is stored or run from the communication server.

With respect to the other pending claims, Appellant incorporates herein by reference the arguments presented in the Appeal Brief and maintains that such statements are still applicable to the Examiner's rejections of the claims.

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## CONCLUSION

For the foregoing reasons, it is submitted that the Examiner's rejection of claims 1-2, 5-11, 13-18, and 20-22 was erroneous, and reversal of his decision is respectfully requested.

A Fee Authorization is attached for the filing of this reply brief. If any additional extension of time is required, Appellant hereby requests the appropriate extension of time. If any fees are omitted or if any additional fees are required or have been overpaid, please appropriately charge or credit those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 50-1505/5053-36000/EBM.

Respectfully submitted,

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Date: July 18, 2006



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Alexandria, VA 22313

The Commissioner is hereby authorized to charge the following fees to Meyertons, Hood,  
Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 50-1505/5053-36000:

\$ 500.00 – Reply Brief Filing Fee

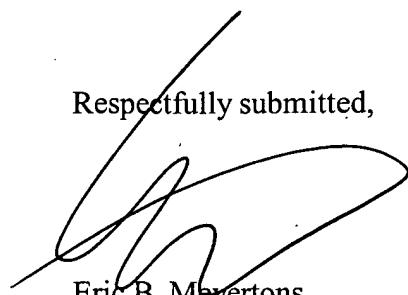
Total Amount: \$500.00

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The Commissioner is also authorized to charge any extension fee or other fees which may be necessary to the same account number.

Respectfully submitted,



Eric B. Meyertons  
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